

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3642

Cesar Cordoba,

Appellant,

v.

Marvin D. Morrison, Warden, FCI -
Forrest City; George E. Snyder, Former
Warden, FCI - Forrest City;

Appellees,

Ginny Van Buren, Associate Warden,
FCI - Forrest City;

Defendant,

James Campbell, Superintendent of
Industries (UNICOR), FCI - Forrest
City;

Appellee,

Harold Ivey, Safety Department
Manager, FCI - Forrest City; Brad
Jurgensen, UNICOR Factory Manager,
FCI - Forrest City;

Defendants,

Rick James, UNICOR Supervisor, FCI -

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Forrest City; United States Bureau of Prisons, FCI, Forrest City, Arkansas,
Appellees.

Submitted: October 6, 2005
 Filed: October 11, 2005

Before MELLOY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

Former federal inmate Cesar Cordoba sued the United States Bureau of Prisons and various prison officials, asserting under the Federal Tort Claims Act (FTCA) that he was injured as a result of defendants' negligent failure to train him to use certain machinery safely during his UNICOR employment. Cordoba also asserted a retaliation claim under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). The district court¹ dismissed Cordoba's Bivens claim after he failed to provide proof of exhaustion. The magistrate judge² dismissed without prejudice Cordoba's FTCA claim upon finding that his sole remedy against the government was a claim under the Federal Prison Industries' Inmate Accident Compensation (IAC) system. See 18 U.S.C. § 4126; 28 C.F.R. §§ 301.101-.319. Cordoba appeals both rulings.

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

²The Honorable John F. Forster, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

Following careful review of the record and Cordoba's arguments on appeal, we believe that Cordoba's claims were properly dismissed. See 42 U.S.C. § 1997e(a) (exhaustion); 18 U.S.C. § 4126 (inmate compensation for injuries); Porter v. Nussle, 534 U.S. 516, 524, 532 (2002) (prisoner cannot bring Bivens action involving prison conditions before exhausting available administrative remedies); United States v. Demko, 385 U.S. 149, 151-54 (1966) (§ 4126 is exclusive remedy for federal inmates' work-related injuries, and FTCA actions which seek recovery for such injuries are barred). In particular, the district court was not bound by an Institution Safety Committee's finding--which, as Cordoba was advised, was subject to review by an IAC Committee upon his filing of an IAC claim--that his injury was not work-related; the record does not indicate Cordoba pursued an available remedy by filing an IAC claim; and Cordoba did not allege retaliation, or even facts from which a retaliation claim could be inferred, in his prison grievances.

Accordingly, the judgment is affirmed.
